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Corrected Endorsement

Hon. John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Mr. Rothman should submit to a deposition by Saturday, November 19 on a date mutually convenient to all interested persons.

Re: Fidelity National Information Services, Inc. v. Rothman, 07 Civ. 7756 (JGK)

Dear Judge Koeltl:

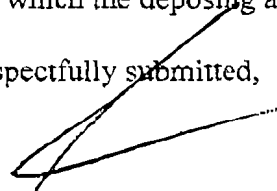
*So ordered.
11/6/07 J.S.D.S.*

As counsel for Defendant, Mr. Barry, stated in his letter to the Court yesterday, the parties have resolved all issues detailed in my preceding letter to the Court yesterday except for the scheduling of Mr. Rothman's deposition. Unfortunately, Mr. Rothman is not "reasonably cooperat[ing]" with Plaintiff by submitting to deposition on a reasonably prompt date as he agreed in the October 18, 2007 Stipulation and Order. Instead, Mr. Rothman is insisting on being represented by two attorneys at his deposition—Mr. Barry and a family member, Mr. Jay Russ.

Due to conflicting schedules of the deposing attorney from this firm, Mr. Barry, and Mr. Russ, Mr. Rothman's unreasonable insistence on both Mr. Barry and Mr. Russ representing him at deposition would delay the completion of his deposition until at least December. Because time is of the essence for Plaintiff in determining the extent to which Mr. Rothman disclosed its confidential information to its competitors, it is necessary to complete this deposition as soon as possible.

Therefore, Plaintiff requests that the Court order that Mr. Rothman submit to deposition on either November 14 (on which the deposing attorney and Mr. Barry are both available) or November 15 (on which the deposing attorney and Mr. Russ are both available).

Respectfully submitted,



Andrew P. Marks

cc: John Barry, Esq. (JBARRY@PROSKAUER.COM)
Jay Russ, Esq. (JAYRUSS@RUSSRUSSPC.COM)